



UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C.

Issued by the Department of Transportation on August 20, 2002

**NOTICE OF ACTION TAKEN -- DOCKET OST 98-3961 - 10**

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Applicant: WESTAIR de MEXICO, S.A. de C.V.

Date Filed: July 9, 2002

Relief requested: Exemption from 49 USC section 41301 to permit the applicant to continue to conduct all-cargo charter operations between Mexico and the United States, and other all-cargo charter operations in accordance with 14 CFR Part 212, using small equipment.

If renewal, date and citation of last action: July 23, 2001, in this Docket.

Applicant representative(s): Lee A. Bauer

Responsive pleadings: None.

**DISPOSITION**

Action: Approved.

Action date: August 20, 2002

Effective dates of authority granted: August 20, 2002, through August 20, 2003.

Basis for approval (bilateral agreement/reciprocity): United States-Mexico Air Transport Services Agreement of August 15, 1960, as amended and extended (Agreement).

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated: Standard exemption conditions.

Special conditions/Partial grant/Denial basis/Remarks: In the conduct of these operations, the carrier must adhere to all applicable provisions of the U.S.-Mexico Agreement. In the conduct of these operations, the carrier may only use aircraft having a maximum payload capacity of no more than 18,000 pounds (small equipment). The above grant includes authority to conduct Third and Fourth Freedom charter operations. While we have subjected, consistent with the provisions of the Agreement, Mexican carriers conducting charter operations with large aircraft to prior approval or submission of notice for their Third and Fourth Freedom charters, we determined that any such requirement was not necessary on public interest grounds in this case, since the carrier will be conducting these operations solely with small aircraft. (Other charter operations to/from the United States under this authority, however, are subject to prior approval under 14 CFR Part 212.)

**Action taken by: Paul L. Gretch, Director  
Office of International Aviation**

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; (2) the applicant was qualified to perform its proposed operations; (3) grant of the authority was consistent with the public interest; and (4) grant of the authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. To the extent not granted/deferred/dismissed, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within seven (7) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

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